

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1939 - HB 2112

February 19, 2022

SUMMARY OF BILL: Enacts the *Verify Our Tennessee Elections (VOTE) Act*. Requires the Comptroller of the Treasury (COT) to establish an Office of Election Integrity (OOEI) within the COT's Department of Audit to perform and supervise election audits.

Requires each county election commission and state and local election official to fully cooperate with the OOEI and meet each deadline established by the OOEI; if a commission or official does not cooperate in a timely manner, then, upon referral of the matter by the COT, the Attorney General and Reporter (AG) shall seek a writ of mandamus in a court of competent jurisdiction ordering the commission or official to comply.

The OOEI must complete the investigation of the 2020 election by July 31, 2022 and each subsequent investigation must be completed no later than one year from the date of the election under investigation. The OOEI must report the results of the investigation to the Governor, Speaker of the Senate, and Speaker of the House of Representatives no later than August 31, 2022 for the 2020 election investigation and no later than one month from the completion of the investigation in subsequent years.

Requires the OOEI to prepare an audit plan for the 2022 general election and all subsequent elections and to present the initial plan to the Speaker of the Senate and the Speaker of the House of Representatives no later than September 30, 2022 and no later than September 30 in subsequent election years.

FISCAL IMPACT:

**Increase State Expenditures – \$1,506,600/FY21-22
\$1,598,100/FY22-23
\$1,537,600/FY23-24 and Subsequent Years**

Assumptions:

- The proposed legislation requires the COT to establish the OOEI to investigate the results of each general election for the President of the United States and for each United States Congressional race, by performing:
 - (1) A forensic voter audit for each county;
 - (2) A forensic voting system equipment audit for each county that the COT deems necessary to validate the election results; and
 - (3) A full forensic election audit of each county that utilized physical ballots.

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- The COT does not currently have the staff to perform investigations of election results and will require 22 additional positions to staff an OOEI (1 Director, 1 Legal Counsel, 15 Investigators, 5 Administrative Staff) beginning in FY22-23.
- There will be a recurring increase in state expenditures of \$1,537,627 {[((\$142,800 salary + \$30,645 benefits + \$2,000 travel and training) Director] + [(\$104,400 salary + \$24,267 benefits + \$2,000 travel and training) Legal Counsel] + [(\$58,800 salary + \$16,693 benefits + \$2,000 travel and training) x 15 Investigators] + [(\$4,200 salary + \$7,624 benefits + \$2,000 travel and training) x 5 Administrative Staff]} in FY22-23 and subsequent years and a one-time increase in state expenditures in FY22-23 of \$60,500 (\$2,750 equipment and office supplies x 22 staff positions).
- Based on information provided by AG, any additional duties that occur as a result of passage of the legislation can be absorbed within existing resources.
- It is estimated there will be a total increase in state expenditures of \$1,598,127 (\$1,537,627 + \$60,500) in FY22-23 and a recurring increase in state expenditures of \$1,537,627 in FY23-24 and subsequent years.
- It is assumed that until an OOEI can be established, the COT will contract with third parties to perform election audits.
- While no audit has been completed in Tennessee, the state of Georgia completed three audits of the 2020 election, the costs of which were:
 - Fulton County \$200,000 (524,659 voters - \$0.38/voter);
 - Clayton County \$70,000 (112,986 voters - \$0.62/voter);
 - DeKalb County \$180,000 (373,439 voters - \$0.46/voter);
 - Resulting in an average audit cost of \$0.49/voter.
- Applying the average per voter rate to Tennessee's voting population results in an estimated increase in expenditures of \$1,506,599 (\$0.49 x 3,074,691 voters) for completion of an election audit by a contracted third party.
- In order to investigate the 2020 election by July 31, 2022, the cost of outsourcing the audit will have to be incurred in FY21-22.
- The proposed legislation will result in a one-time expenditure of \$1,506,599 in FY21-22.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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